

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

ROWVAUGHN WELLS, Individually and as
ADMINISTRATRIX AD LITEM of the Estate of
TYRE DEANDRE NICHOLS, Deceased,

Plaintiff,

v.

No. 2:23-cv-2224-MSN-atc

CITY OF MEMPHIS, a municipality,
CHIEF CERELYN DAVIS, in her official capacity,
EMMITT MARTIN III, in his individual capacity,
DEMETRIUS HALEY, in his individual capacity,
JUSTIN SMITH, in his individual capacity,
DESMOND MILLS, JR., in his individual capacity,
TADARRIUS BEAN, in his individual capacity,
PRESTON HEMPHILL, in his individual capacity,
ROBERT LONG, in his individual capacity,
JAMICHAEL SANDRIDGE, in his individual capacity,
MICHELLE WHITAKER, in her individual capacity,
DEWAYNE SMITH, in his individual capacity, and
as an agent of the City of Memphis,

Defendants.

**RESPONSE OF DEFENDANTS PRESTON HEMPHILL AND DEWAYNE SMITH
TO PLAINTIFF'S MOTION FOR LEAVE TO TAKE A MAXIMUM OF THIRTY-FIVE
DEPOSITIONS AND TO CONDUCT CERTAIN DEPOSITIONS OVER THE
PERMITTED SEVEN HOURS**

COME NOW Defendants Preston Hemphill and Dwayne Smith, individually, through counsel, and file this response to Plaintiff's Motion for Leave, at Docket Entry Number 163, in order to advise the Court that Plaintiff and Defendants Hemphill and Smith have resolved the disputed issues outlined in Plaintiff's Motion in the following manner:

1. Plaintiff and Defendants Hemphill and Smith have agreed that Plaintiff will take Defendant Hemphill's videotaped, eight (8) hour deposition on April 11, 2024, beginning at 9:00

a.m. CST. By agreement, after seven (7) hours, if necessary, the final hour of the deposition will be completed the following morning, April 12, 2024.

2. Plaintiff and Defendants Hemphill and Smith have agreed that Plaintiff will take Defendant D. Smith's videotaped, nine and a half (9.5) hour deposition, with the first seven (7) hours to be taken on April 12, 2024, beginning at 9:00 a.m. CST, and the remaining two and a half (2.5) hours to be taken on April 19, 2024, beginning at 9:00 a.m. CST. If after all good faith efforts have been made by Plaintiff's counsel to complete all reasonably necessary questions within the agreed upon 9.5 hours, at that time, Plaintiff's counsel and Defendants Hemphill and D. Smith's counsel are in agreement, the deposition may continue April 19, 2024, until completed.

3. Defendants Hemphill and Smith do not oppose Plaintiff's request for leave to take a maximum of thirty-five depositions.

Respectfully submitted,

**GODWIN, MORRIS, LAURENZI
& BLOOMFIELD, P.C.**

s/ Mary Elizabeth McKinney

Mary Elizabeth McKinney (TN Bar #21597)

Deborah E. Godwin (TN Bar #9972)

*Attorneys for Defendants, Preston Hemphill
and Dewayne Smith, Individually*

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CERTIFICATE OF SERVICE

I, Mary Elizabeth McKinney, hereby certify that on March 26, 2024, I filed a copy of the foregoing with the Court via the Court's ECF system, and that upon filing, a copy will be sent via the Court's ECF system to all registered parties in this case.

I further certify that there are no non-registered parties in this case.

s/ Mary Elizabeth McKinney
Mary Elizabeth McKinney